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THE CITY OF NEW YORK
LAW DEPARTMENT
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MEMO ENDORSED

February 24, 2023

VIA ECF

Honorable Colleen McMahon
United States District Judge
Southern District of New York
500 Pearl Street
New York, N.Y. 10007

Re: Edwin Nunez v. City of New York, et. al., 22-CV-09428 (CM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants City of New York, Vincent Schiraldi, Kenneth Stukes, Patricia Feeney, Nadene M. Pinnock, Sharlisa Walker, Solomon Chester (hereinafter "City Defendants") in the above-referenced action. City Defendants write to respectfully request that the Court stay the instant matter until May 8th, 2023 because the undersigned has been selected for jury duty. Plaintiff's counsel does not consent to this request.

By way of background, plaintiff alleges that, on September 1, 2021, while he was being held on Rikers Island, six other detainees entered his cell and slashed and stabbed him. *See* Complaint at ¶¶ 117-118. Plaintiff further alleges that the assault was due to the failure of identified and unidentified defendants who had abandoned their posts. *See* Complaint at ¶¶ 125-141.

On February 9, 2023, the undersigned was selected for grand jury duty and, upon information and belief, will be engaged for three months – from February 14th, 2023 to May 5th, 2023. I am expected to be in Court every day during this time period, during the majority of the work day on most days, and will have limited access to my email.

City Defendants respectfully submit that plaintiff will not be prejudiced in any way if Your Honor is inclined to grant this request. The complaint in this case was filed on November 3, 2022 and there does not appear to be any issue or concern regarding the statute of limitation. *See* Civil Docket ¶ 1. Also, City Defendants are aware that plaintiff's counsel is seeking to serve Defendant Jean-Claude LeBec and, to the extent possible, will cooperate with plaintiff's counsel to facilitate service of Defendant LeBec.

2/28/2023
Get someone else to
confer with you and
have that person
ready to attend
the initial
pre trial
conference

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As such, defendants respectfully request that the Court stay the instant matter until May 8th, 2023.¹ Thank you for your consideration herein.

Respectfully submitted,



Felix De Jesus
Assistant Corporation Counsel
Special Federal Litigation Division

cc: VIA ECF
All attorneys of record

¹ Similar stay requests have been granted in the matters of *Ramsey Smith v. The City of New York*, et. al., 21-CV-4157 (HG) (CLP), *Douglas McCallum v. The City of New York*, et. al., 22-CV-81 (PAE) (RWL), and *Rahul Sharma v. The City of New York*, et. al., 21-CV-10892 (ER) (BCM).